

REMARKS

Claims 1-13, 15-19, and 21-23 are currently pending (claims 13, 15, 16, 17, 18, and 21-23 have been withdrawn). Claims 1, 7, 8, 10, 11, and 12 have been amended.

On page 2 of the Office Action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter.

Applicants respectfully submit that claims 7 and 8 are fully supported by the specification. For example, as recited in claim 7, the "updating part" updates the member information in response to each action performed by a user at service sites. The specification clearly states, "the center site 10 updates the member information database 13 based on the price, the grade, and the like of the pizza informed from the service site A." See specification of the present invention, page 9, lines 26-29. After being presented with the disclosure of the present invention, one of ordinary skill in the relevant art would readily appreciate that such an updating function would be performed by an "updating part."

Similarly, for example, as recited in claim 19, the "excluding part" specifies places to be excluded and excludes the places from the single region registered by the registering part. The specification clearly states, "an excluded place can be specified and then the single region can be registered with excluding the specified place." See specification of the present invention, page 5, lines 29-31. After being presented with the disclosure of the present invention, one of ordinary skill in the relevant art would readily appreciate that such an excluding function would be performed by an "excluding part."

In light of the foregoing, Applicants respectfully request withdrawal of the objection, as all claims are fully supported by the specification.

On page 2 of the Office Action, claims 1-8 and 19 were rejected under 35 U.S.C. § 101 due to the claimed invention allegedly being directed to non-statutory subject matter. In particular, the Examiner alleged that the web site system of claim 1 includes a database, which is not hardware or hardware and software combination that are required to define the system, according to the Examiner.

Applicants respectfully submit that section 2106 (IV)(B)(2)(b)(ii) of the Manual of Patent Examining Procedure indicates that if a claim identifies the physical structure of a machine in terms of its hardware or hardware and software combination, the claim defines a statutory product. In claim 1, a web site system is recited that includes a center site and a plurality of

service cites. Applicants respectfully submit that as the claim clearly identifies the physical structure of a machine in terms of its hardware and software combination, that is, the web site *system* including a center site and a plurality of service sites, the claim is statutory. Although the claim recites an additional component, that is, the member information database, the claim is, nevertheless, statutory, as the above-identified section does not forbid the recitation of additional components. Therefore, withdrawal of the rejection is respectfully requested.

The Examiner alleged that claims 7 and 8 recite a center site and a service site and fail to identify the physical structure of the system in terms of its hardware or hardware and software combination. According to the Examiner, the center site and service site, as claimed, comprise only functional software.

Applicants respectfully submit that claims 7 and 8 are statutory. Nothing in Applicants' claims or specification supports the Examiner's allegation that the center site and the service site comprise only functional software. Moreover, the claims clearly recite additional hardware. For example, claim 7 recites, "an updating part," which could clearly be a hardware component or a combination of hardware and software. Similarly, claim 8 recites, "an action information sending part," which could clearly be a hardware component or a combination of hardware and software.

Similarly, claim 19 is statutory, as nothing in Applicants' claims or specification supports the Examiner's allegation that the web site system comprises only functional software. Further, the "parts" recited in claim 19 could clearly be hardware components or a combination of hardware and software. The web site system clearly produces a useful, concrete, and tangible result, as it registers a region to the database and produces information that excludes places from a single region that is registered.

On page 4 of the Office Action, claims 12 and 19 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully submit that claim 12 is fully supported by the specification at page 11, lines 11-26. Therefore, withdrawal of the rejection is respectfully requested.

Claim 19 is also fully supported by the specification. See specification of the present invention, page 5, lines 29-31. After being presented with the disclosure of the present invention, one of ordinary skill in the relevant art would readily appreciate that an excluding function would be performed by an "excluding part." Therefore, withdrawal of the rejection is respectfully requested.

On page 5 of the Office Action, claims 1-4, 11, 12 and 19 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,629,136 B1 (Naidoo).

Applicants respectfully submit that independent claims 1, 11, 12, and 19 are patentable over Naidoo, as Naidoo fails to disclose, a "member information database including member information including a home address and a proximal station," as recited in claim 1, for example.

On page 5 of the Office Action, the Examiner alleged that Naidoo's "geographic location information" is tantamount to the present invention's "proximal station." Applicants respectfully submit that Naidoo's geographic location information simply identifies *location*, for example, a work address. In contrast, the present invention's proximate station names a station. Therefore, the above-identified claims are patentable over the reference. As dependent claims 2-4 depend from independent claim 1, the dependent claims are patentable over the reference for at least the reasons presented for independent claim 1.

Further, Applicants respectfully submit that a proximal station based on geographical location information (that is, the nearest station in a straight distance) is not always convenient for a member. Firstly, for example, if there is a river from the member to the nearest station in the straight distance, another station may be convenient for the member to reach in shorter time than going to the nearest station. Secondly, in a circumstance requiring a train transfer, the member may prefer to use another station concerning the train transfer rather than the nearest station. Finally, the member may frequently use a particular shop, bank, business place, or such on the way to another station.

On page 9 of the Office Action, claims 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,717,923 (Dedrick) in view of Naidoo.

Applicants respectfully submit that independent claims 7 and 8 are patentable over Dedrick in view of Naidoo as neither Dedrick nor Naidoo teaches or suggests a member information database including member information including a home address and a proximal station, as recited in claim 1, for example.

As argued above, Naidoo fails to disclose a proximal station. As Naidoo discloses geographical location information that identifies location, Naidoo does not provide a suggestion regarding proximal station information. Similarly, Dedrick does not teach or suggest a database including member information including a home address and a proximal station. Although Dedrick discloses a personal profile database which stores consumer information. The database does not include proximal station information, as in the present invention.

Therefore, as neither Naidoo nor Dedrick teaches or suggests the above-identified feature of the claims, independent claims 7 and 8 are patentable over the references. As dependent claims 9 and 10 depend from independent claim 8, the dependent claims 9 and 10

are patentable over the references for at least the reasons presented for the independent claims. Therefore, withdrawal of the rejection is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

1/19/07

By:


Reginald D. Lucas
Registration No. 46,883

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501